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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

SEATTLE DIVISION

WELL GO USA ENTERTAINMENT,

Plaintiff,

v.

HAIUKEN, INC., PARAKAN SOFTWARE, INC., and DOES 1-5, inclusive,

Defendants.

CASE NO. __________

COMPLAINT FOR:
(1)COPYRIGHT INFRINGEMENT;
(2) SECONDARY COPYRIGHT INFRINGEMENT;
(3) KNOWING, MATERIAL MISREPRESENTATIONS UNDER 17 U.S.C. § 512(F)

Demand for Jury Trial

Plaintiff Well Go USA Entertainment ("Well Go") alleges against Defendants Haiuken, Inc. ("Haiuken"), Parakan Software, Inc. ("Parakan"), and the defendants sued herein as Does 1-5 (the "Doe Defendants") as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement arising under the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

2. This court has personal jurisdiction over Defendants because, on information and belief, Defendant Haiuken expressly consented in writing to personal jurisdiction in this District in a document submitted to an Internet service provider pursuant to 17 U.S.C. § 512. As discussed below, Haiuken, Parakan's purported "subsidiary," is in fact the alter ego of Parakan and the Doe Defendants.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action, is situated in this District.

THE PARTIES

4. Plaintiff Well Go USA Entertainment is a Texas corporation with its principal place of business in Plano, Texas. Well Go is in the business of disseminating, *inter alia*, Chinese language motion pictures to the North American market. Well Go obtains the exclusive right to do so pursuant to written contracts.

5. Plaintiff is informed and believes, and on that basis alleges, that Defendant Haiuken, Inc. is a Canadian company with its principal places of business in Richmond Hill and North York, Ontario. Haiuken operates a website at http://haiuken.com/home/ (the "Website") through which Haiuken commits acts of copyright infringement by streaming movies, the rights to which are owned by Well Go, to viewers in the United States, including in the State of Washington and in this District.

6. Plaintiff is informed and believes, and on that basis alleges, that Defendant Parakan Software, Inc. is a Canadian company with its principal place of business in North York, Ontario.

Plaintiff is informed and believes, and on that basis alleges, that Haiuken is, in fact, a company created by Parakan for the purpose of attempting to shield itself from liability for its unlawful conduct. Parakan describes Haiuken as a "subsidiary of Parakan," but Plaintiff is informed and believes, and on that basis alleges, that Parakan and the Doe Defendants own and control all aspects of Haiuken, have not sufficiently capitalized the company, and have not observed corporate formalities or kept adequate records.

7. The true names and capacities, whether individual, corporate, associate, or otherwise, of the defendants sued herein as Does 1-5 inclusive, are unknown to Well Go, which has therefore sued said defendants by such fictitious names. These defendants may include individuals whose real identities are not yet known to Well Go, but who are acting in concert with one another, often in the guise of Internet aliases, in committing the unlawful acts alleged herein. Well Go will seek leave to amend this complaint to state their true names and capacities once said defendants' identities and capacities are ascertained. Well Go is informed and believes, and on that basis alleges, that all defendants sued herein are liable to Well Go as a result of their participation in all or some of the acts set forth in this complaint.

8. Plaintiff is informed and believes, and on that basis alleges, that, at all times herein mentioned, there existed a unity of interest and ownership between Haiuken, on the one hand, and Parakan and the Doe Defendants, on the other hand, such that any individuality or separateness between them ceased. Parakan and the Doe Defendants were and are the alter egos of Haiuken and, at all times herein mentioned, Haiuken has been the mere shell, instrumentality, and conduit through which Parakan and the Doe Defendants have carried on business, exercising complete control over Haiuken to the extent that any individuality or separateness of Haiuken does not exist. Further, failure to disregard their separate identities would result in fraud or injustice.

THE INFRINGED WORKS

9. In North America, Well Go owns the exclusive right to disseminate the motion pictures listed in Exhibit A (the "Infringed Works").

10. Each of the works listed in Exhibit A has been registered with the United States Copyright Office or has an application for registration pending.

DEFENDANTS' INFRINGING BUSINESS AND MISREPRESENTATIONS

11. Through the Website, Defendants currently enable viewers to watch over one thousand Chinese language motion pictures, including the Infringed Works. Defendants offer subscribers two options for viewing: a free option which relies on advertisements to generate revenue for Defendants; and a payment-based subscription model without advertising.

12. The Website is hosted by Amazon Web Services, Inc. In other words, Amazon Web Services provides the computer servers Defendants use to stream motion pictures to Haiuken's subscribers. Amazon Web Services is owned by Amazon.com. Amazon Web Services' principal place of business is Seattle, Washington. Amazon Web Services uses computer servers located in the United States to disseminate motion pictures on Defendants' behalf.

13. In August of 2016, Remove Your Media, a company hired by Well Go to assist with attempting to stop infringers, such as Defendants, from making available via the Internet motion pictures to which Well Go owns the exclusive rights, sent a compliant notification of infringement to Amazon Web Services pursuant to 17 U.S.C. § 512. The notification requested that Amazon Web Services disable access to Haiuken's illegal copies of certain of the Infringed Works.

14. In response to the notification, Amazon Web Services informed Haiuken that access to the illegal copies would be disabled unless Haiuken submitted to Amazon Web Services a counter-notification under 17 U.S.C. § 512.

15. On or about September 1, 2016, Haiuken submitted such a counter-notification to Amazon Web Services falsely claiming that it had the right to disseminate the works at issue. In this counter-notification, in order to comply with the statutory requirements of 17 U.S.C. § 512(g)(3), Haiuken "consent[ed] to the jurisdiction of the Federal District Court for the judicial district in which the service provider may be found."

16. Because Haiuken knowingly misrepresented its rights in the counter-notification, Amazon Web Services declined to disable access to the infringing copies and Well Go was damaged in the form of having to hire legal counsel and in other ways.

COUNT I

COPYRIGHT INFRINGEMENT

17. Well Go incorporates paragraphs 1-16 by reference.

18. By reproducing, publicly performing, and distributing the Infringed Works, Defendants have infringed copyrights owned by Well Go under 17 U.S.C. § 106 and 501.

19. Defendants' infringement was willful in that they knew they did not possess the right to disseminate the Infringed Works and yet Defendants intentionally did so anyway to generate profits at Well Go's expense. Indeed, Defendants' infringement continued even after Well Go informed Amazon Web Services and Defendants of the infringement.

20. As a direct and proximate result of the infringements by Defendants, Plaintiff is entitled to damages and to the profits of Defendants in an amount to be proven at trial which is not currently ascertainable. Alternatively, Plaintiff is entitled to maximum statutory damages of $150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

21. As a result of Defendants' acts and conduct, Plaintiff has sustained and, unless Defendants are enjoined and restrained by this Court, will sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiff is entitled to a preliminary and a permanent injunction enjoining further infringement of its copyrights.

22. Plaintiff is also further entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

COUNT II

SECONDARY COPYRIGHT INFRINGEMENT

23. Well Go incorporates paragraphs 1-15 by reference.

24. As alleged above, Parakan and the Doe Defendants are direct infringers because Haiuken is Parakan's and the Doe Defendants' alter ego; an entity Parakan and the Doe Defendants use as a front to commit acts of intellectual property piracy. However, in the alternative, if Parakan and Haiuken are determined to be separate formal entities and not the alter

egos of one another, Parakan and the Doe Defendants are liable as secondary infringers for the acts of direct infringement committed by Haiuken.

25. Parakan and the Doe Defendants have the right and ability to control Haiuken's acts of infringement. Parakan and the Doe Defendants also receive a direct financial benefit from the acts of infringement. Yet, Parakan and the Doe Defendants fail to exercise their right and ability to control the acts of infringement. Parakan and the Doe Defendant are vicariously liable for these acts.

26. Parakan and the Doe Defendants also, having actual or constructive knowledge of Haiuken's acts of infringement, materially contribute to those and acts and assist Haiuken with those acts. Parakan and the Doe Defendants are contributory infringers.

27. Defendants' infringement was willful in that they knew they did not possess the right to disseminate the Infringed Works and yet Defendants intentionally did so anyway to generate profits at Well Go's expense. Indeed, Defendants' infringement continued even after Well Go informed Amazon Web Services and Defendants of the infringement.

28. As a direct and proximate result of the infringements by Defendants, Plaintiff is entitled to damages and to the profits of Defendants in an amount to be proven at trial which is not currently ascertainable. Alternatively, Plaintiff is entitled to maximum statutory damages of $150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

29. As a result of Defendants' acts and conduct, Plaintiff has sustained and, unless Defendants are enjoined and restrained by this Court, will sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiff is entitled to a preliminary and a permanent injunction enjoining further infringement of its copyrights.

30. Plaintiff is also further entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

COUNT III

KNOWING MATERIAL MISREPRESENTATIONS

31. Plaintiff incorporates by reference paragraphs 1-16.

32. 17 U.S.C. § 512(f) creates a cause of action against a person who knowingly makes a material misrepresentation of fact in a counter-notification submitted to an Internet service provider under 17 U.S.C. § 512(g).

33. Defendants knowingly misrepresented material facts in a counter-notification submitted to Amazon Web Services by falsely claiming that Haiuken had the right to disseminate certain of the Infringed Works.

34. As a direct and proximate result of these material misrepresentations, Well Go was damaged in an amount to be proven at trial, including by having to retain legal counsel and pay their fees and costs. Also, as a result of the material misrepresentations, Amazon Web Services continued to host the infringing copies Haiuken uses to publicly perform and distribute the Infringed Works.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment against Defendants, as follows:

1. On Counts I and II, for profits and damages in such amount as may be determined; alternatively, for maximum statutory damages in the amount of $150,000 with respect to each copyrighted work infringed, or for such other amount as may be proper pursuant to 17 U.S.C. § 504(c).
2. On Counts I and II, for injunctive relief enjoining Defendants, and their respective agents, servants, employees, officers, successors, licensees and assigns, and all persons acting in concert or participation with each or any of them, from: (i) directly or indirectly infringing in any manner any of the Plaintiff's respective copyrights (whether now in existence or hereafter created), including without limitation, the Infringed Works listed on Exhibit A; and (ii) causing, contributing to, participating in, inducing, or enabling the infringement of any of Plaintiff's respective copyrights, including without limitation, the Infringed Works listed on Exhibit A.
3. On Counts I and II, for Plaintiff's attorneys' fees and costs pursuant to 17 U.S.C. § 505.

4. On Count III, pursuant to 17 U.S.C. § 512(f), for all damages, including costs and attorneys' fees, incurred by Plaintiff as a result of Defendants' unlawful behavior.
5. For prejudgment interest according to law.
6. For such other and further relief as the Court may deem proper under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury on all matters and issues so triable.

DATED: March 14, 2017

Respectfully submitted,

By:/s/ Jolene Konnersman

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EXHIBIT A

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English Title	Chinese Title	Link	Copyright Registration or Application No.
1911	1911	http://haiuken.com/theatre/2lJi/	PA 1-795-109
Assassin, The	刺客聂隐娘	http://haiuken.com/theatre/5SjF/	1-2894972980
Badges of Fury	不二神探	http://haiuken.com/theatre/2B6N/	1-958092395
Beauty Inside, The	爱上变身情人	http://haiuken.com/theatre/4qel/	1-4551536791
Blade of Kings aka The Twin Effects 2	千机变2	http://haiuken.com/theatre/5Nyc/	1-1524513049
Brotherhood of Blades	绣春刀	http://haiuken.com/theatre/2zP3/	PA 1-952-567
Call of Heroes	危城	http://haiuken.com/theatre/7IAA/	1-4114511091
Chronicles of the Ghostly	鬼吹灯之九层妖塔	http://haiuken.com/theatre/7pNF/	1-3770376221
Cold War 2	寒战2	http://haiuken.com/theatre/3xz5/	1-4551536858
Dangerous Liaisons	危险关系	http://haiuken.com/theatre/2yRb/	PA 1-849-151
Drug War	毒战	http://haiuken.com/theatre/5PoQ/	PA 1-882-262
Floating City	浮城	http://haiuken.com/theatre/4JP0/	PA 1-881-969
Four, The	四大名捕	http://haiuken.com/theatre/58Cl/	PA 1-842-971
Great Magician, The	大魔术师	http://haiuken.com/theatre/3Gbz/	PA 1-881-958
Guillotines, The	血滴子	http://haiuken.com/theatre/5Rg1/	PA 1-881-954
Iceman	冰封：重生之门	http://haiuken.com/theatre/5IPh/	PA 1-941-151
Ip Man 2	叶问2	http://haiuken.com/theatre/T5wX/	PA 1-837-523
Ip Man 3	叶问3	http://haiuken.com/theatre/7rvC/	1-3770046491
Ip Man-The Final Fight	叶问：终极一战	http://haiuken.com/theatre/191g/	1-1005193802
Kung Fu Killer	一个人的武林	http://haiuken.com/theatre/zgKA/	1-4552135042
Last Tycoon, The	大上海	http://haiuken.com/theatre/5xDj/	PA 1-882-263
Legend of the Fist	精武风云·陈真	http://haiuken.com/theatre/3yZr/	PA 1-863-165
Mojin - The Lost Legend	鬼吹灯之寻龙诀	http://haiuken.com/theatre/6SaM/	1-4552134279
Monkey King 2, The	西游记2	http://haiuken.com/theatre/4OlI/	1-4552135078
Nightfall	大追捕	http://haiuken.com/theatre/4mdR/	PA 1-881-970
Once Upon A Time in Shanghai	恶战	http://haiuken.com/theatre/5aq2/	PA 1-952-564

Phantom of the Theater	魔宫魅影	http://haiuken.com/theatre/1GUt/	1-3767606021
Police Story: Lockdown	新警察故事	http://haiuken.com/theatre/6ane/	1-2894972980
Rise of the Legend	黄飞鸿之英雄有梦	http://haiuken.com/theatre/7DKL/	1-19909276791
Saving General Yang	忠烈杨家将	http://haiuken.com/theatre/1zuk/	PA 1-891-229
Saving Mr. Wu	解救吴先生	http://haiuken.com/theatre/4ila/	1-3238588611
Special ID	特殊身份	http://haiuken.com/theatre/6YAW/	1-1017255247
Sword Master	三少爷的剑	http://haiuken.com/theatre/7kRC/	1-4552134926
Tai Chi Hero	太极2英雄崛起	http://haiuken.com/theatre/4PW9/	PA 1-849-273
Three	三人行	http://haiuken.com/theatre/4Mvh/	1-4552134234
Warrior of the Rainbow: Seediq Bale	赛德克巴莱	http://haiuken.com/theatre/26cp/	PA 1-795-111
White Haired Witch	白发魔女传之明月天国	http://haiuken.com/theatre/3pL7/	PA 1-952-570
White Vengeance	鸿门宴传奇	http://haiuken.com/theatre/7azK/	PA 1-882-261
Wolf Warriors	战狼	http://haiuken.com/theatre/42p7/	1-4552931254
Wrath of Vajra, The	金刚王：死亡救赎	http://haiuken.com/theatre/M0zJ/	PA 1-952-565
Wu Dang	大武当	http://haiuken.com/theatre/3VVD/	PA 1-881-951
Young Detective Dee: Rise of the Sea Dragon	狄仁杰之神都龙王	http://haiuken.com/theatre/4Bge/	PA 1-952-566